



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gregory Herd et al.
 Application No. : 10/024,571
 Filed : December 21, 2001
 For : WATER SUPPLY SYSTEM FOR A FUEL CELL

Examiner : Dinh Q. Nguyen
 Art Unit : 3752
 Date of Notice Allowance : October 6, 2004
 Docket No. : 130309.425
 Date : January 5, 2005

Mail Stop Issue Fee
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Commissioner for Patents:

Applicants hereby request reconsideration of the patent term noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) provided with the Notice of Allowance mailed October 6, 2004. A check including the amount of \$200 for this application is enclosed.

01/07/2005 HGUTEMA2 00000003 10024571
 01 00.00 00 00:00:00 10 01 FC:1455 200.00 0P

Statement of the Facts:

The Determination of Patent Adjustment under 35 U.S.C. 154(b) indicates that the Patent Term Adjustment for this application to date is 221 days. Applicants submit that the correct patent term adjustment for this application should be 315 days, calculated as follows:

- This application was filed on December 21, 2001.
- A Notice to File Missing Parts was mailed by the USPTO on January 25, 2002. Applicants timely mailed a Response to Notice to File Missing Parts on April 25, 2002.

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01-FC:1463 200.00 0P

Applicants' Response was received by the USPTO on April 25, 2002, as evidenced by the Patent Term Adjustment History for this application (copy attached). Applicants are unable to provide the date-stamped postcard, because this file was transferred from other counsel who did not provide it. Despite Applicants' timely response to the Notice to File Missing Parts, the U.S. Patent Office has deducted 19 days of Patent Term.

- The initial action by the USPTO was an Office Action mailed January 2, 2004. However, this Office Action was never received by either prior or current counsel for Applicants. Using this date for the initial action, pursuant to 37 CFR 1.703(a)(1), the initial action was 315 days late.

- However, on the Patent Term Adjustment History, there is an entry dated 02-23-2004 which reads "Letter Restarting Period for Response (i.e. Letter re: References)", and an entry dated 03-18-2004 entitled "Mail Notice of Restarted Response Period." The 03-18-2004 mailing was, in fact, an Office Action, the first that Applicants' counsel had received. Applicants responded to this Office Action in a timely manner on June 18, 2004. Nonetheless, the USPTO has docked Applicants 75 days for a late response.

- The Notice of Allowance was mailed on October 6, 2004. Applicants are paying the issue fee today, January 5, 2005, within three months of the mailing date of the Notice of Allowance. Accordingly, pursuant to 37 CFR 1.703(b), Applicants' response is timely filed.

In view of the foregoing, Applicants are entitled to a patent term adjustment of 315 days. In addition to the 221 days granted, 19 days should be reinstated for Applicants' timely-filed Response to Notice to File Missing Parts; plus 75 days should be reinstated for Applicants' timely-filed response to the Office Action mailed March 18, 2004. Applicants respectfully request that such a patent term adjustment be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Karl R. Hermanns
Registration No. 33,507

KRH:lhk

Enclosures:

Check including \$200.00 fee

Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b) as provided
with Notice of Allowance

Copy of Patent Term Adjustment History

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,571	12/21/2001	Gregory Herd	1748X/50823	2455
00500	7590	10/06/2004	EXAMINER	
			NGUYEN, DINH Q	
		ART UNIT		PAPER NUMBER
				3752

DATE MAILED: 10/06/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 221 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 221 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

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10/024,571**

			Days
Filing or 371(c) Date:	12-21-2001	USPTO Delay (PTO):	315
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	94
Post-Issue Petitions (days):	+0	Total PTA:	221
USPTO Adjustment (days):	+0	Explanation of Calculations	

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 Published Documents

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Date	Contents Description	PTO (days)	APPL (days)
10-06-2004	Mail Notice of Allowance		
10-06-2004	Mail Formal Drawings Required		
10-01-2004	Issue Revision Completed		
10-01-2004	IFW TSS Processing by Tech Center Complete		
10-01-2004	Formal Drawings Required		
10-01-2004	Notice of Allowance Data Verification Completed		
09-29-2004	Notice of Allowability		
07-20-2004	Correspondence Address Change		
07-20-2004	Date Forwarded to Examiner		
06-16-2004	Response after Non-Final Action		75
06-16-2004	Workflow incoming amendment IFW		
03-18-2004	Mail Notice of Restarted Response Period		
03-04-2004	Correspondence Address Change		
03-04-2004	Correspondence Address Change		
02-23-2004	Letter Restarting Period for Response (i.e. Letter re: References)		
01-02-2004	Mail Non-Final Rejection	315	
12-29-2003	Non-Final Rejection		
07-07-2002	Case Docketed to Examiner in GAU		
05-16-2002	Application Dispatched from OIPE		

05-14-2002	Application Is Now Complete		19
04-25-2002	Payment of additional filing fee/Preeexam		
04-25-2002	An assertion that the nature of the legal entities having property rights to the patent authorizes t		
04-25-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		
01-25-2002	Notice Mailed—Application Incomplete—Filing Date Assigned		
12-31-2001	IFW Scan & PACR Auto Security Review		
12-21-2001	Initial Exam Team nn		

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